

Department of Planning and Budget
2021 Special Session I - Fiscal Impact Statement

1. Bill Number: SB1300 ER

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Favola

3. Committee: Passed both houses

4. Title: Board of Local and Regional Jails; review services provided to inmates during pregnancy.

5. Summary: This bill directs the Board of Local and Regional Jails (the Board) to conduct a review of services provided to inmates during pregnancy, pregnancy termination, labor and delivery, and postpartum recovery. The review must: (i) identify and analyze all obstetric and gynecological services and any other services provided by local and regional jails to inmates during pregnancy, pregnancy termination, labor and delivery, and postpartum recovery; (ii) compare such services to best practices recommended by the American Correctional Association, American Jail Association, National Commission on Correctional Health Care, and American College of Obstetricians and Gynecologists; and (iii) develop recommendations to ensure that proper services are provided to inmates during pregnancy, pregnancy termination, labor and delivery, and postpartum recovery.

To conduct the review, the bill requires the Board to convene and consult with a stakeholder work group composed of the following members: representatives of the Indigent Defense Commission, Legal Aid Justice Center, Virginia Sheriffs' Association, and Virginia Association of Regional Jails; at least one physician and one mental health professional who provide care to inmates; at least one obstetrician, one birth advocate, and one reproductive rights advocate; at least two former inmates who were pregnant or gave birth while incarcerated in a local or regional jail; and other interested stakeholders. No more than half of the work group members can be employees of or under contract with a local or regional jail. The Board is also required, as necessary, to consult with other relevant stakeholders and experts, including the Department of the Treasury's Division of Risk Management.

The bill provides that any records or information obtained from current or former inmates during such review must be used only for purposes of conducting the review required in the bill and must be confidential and exempt from mandatory disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia). The bill prohibits any report or other document generated by the Board or the work group during the review from containing identifying information specific to any current or former inmate, local or regional jail, or prior case or complaint.

The bill requires the Board to report its findings and recommendations to the Secretary of Public Safety and Homeland Security and the Chairmen of the Senate Committee on the Judiciary, Senate Committee on Rehabilitation and Social Services, House Committee for Courts of Justice, and House Committee on Public Safety by July 1, 2022, and to post such report on its website.

The bill requires the Board to adopt regulations consistent with its findings and recommendations.

- 6. Budget Amendment Necessary:** No
- 7. Fiscal Impact Estimates:** Final. See line 8 below.
- 8. Fiscal Implications:** The Department of Corrections (DOC) provides staff support to the Board of Local and Regional Jails, including data analysis, reporting, and administrative functions. The DOC expects to be able to absorb costs associated with this bill within its existing budget.
- 9. Specific Agency or Political Subdivisions Affected:** Board of Local and Regional Jails, Department of Corrections
- 10. Technical Amendment Necessary:** No
- 11. Other Comments:** None